

JANSSEN, Peter G.

USSN 10/700,179:

REMARKS/ARGUMENTS

Applicant thanks the Examiner for taking the time to conduct a telephone conference. At that time, currently-rejected claims 31-36 were discussed in view of the teachings of the Wagner reference. While no agreement was reached at that time, Applicant believes that the prosecution of the currently-rejected claims was advanced. Again, the Examiner is thanked.

Allowable Subject Matter

Applicant thanks the Examiner for the indication of allowable subject matter with respect to Claims 26-30, 37, 39-40. With respect to Claims 39-40, it is noted that the dependencies have been changed so that these claims depend from Claim 37 (which is indicated to be allowable), as opposed to Claim 12 (which has been previously cancelled).

Claim Rejections Under 35 USC Section 112

Claim 38 was rejected since its dependency was based on a cancelled claim (i.e., Claim 12). The dependency of Claim 38, along with the dependencies of Claims 39-40, has been amended (i.e., to depend from Claim 37). The rejection is now believed to be moot.

Claim Rejections Under 35 USC Section 102

Claims 31-36 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 1,445,372 to Wagner. Applicants respectfully disagree with this rejection.

Wagner fails to teach the claimed method of independent Claims 26 and 31. Wagner teaches a hook that is adaptable to walls. At page 2 of the Office Action, the Examiner indicates that Wagner includes a "push plate (8)". However, in referencing the teachings of Wagner the structural feature indicated by the Examiner is in fact a ferrule that essentially slides along arms 5, resulting in the engagement between the hook device to a wall. As such, Wagner does not teach the presence, but rather reflects the absence, of a push plate recited in Claims 26 and 31. As such, Wagner does not teach, let alone suggest, the methods of Claims 26 and 31, namely, methods including either a) inserting a lance of a hanging device into a wall by *pressing on a push plate* (per Claim 26), or b) inserting the lance of the hanging device into a wall in a device insertion position by *pressing on a push plate* (per Claim 31). Accordingly, Claims 26 and 31 are believed to be allowable as currently presented.

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Claims that depend from allowable claims are themselves allowable. Thus, Claims 27-30 and 32-36 are allowable for at least the reason noted above with respect to Claims 26 and 31, respectively.

For these reasons, it is respectfully requested that the Examiner withdraw the rejections to, and indicate allowability of, Claims 31-36.

Newly-presented Claims

Claims 41-44, which are believed to be allowable, are also included. In these claims, the hanging device - which provides appropriate structural environment - is claimed as a unitary structure and the rotating of the hanging device is further delineated. No new subject matter is believed to have been added, as support for the language can be found the specification as originally filed. These claims were not added for any prior art reason.

Conclusion

The Applicant believes that the above comments place the application in condition for allowance.

A fee of \$200 for additional claims is believed to be due for the filing of this Amendment and Response. A one-month extension fee of \$60.00 is also believed due at this time. Such fee should be charged to Deposit Account 23-2053. Attached is a one-month extension request and a transmittal showing the amount due for the additional claims. Any required petition should be considered provisionally made.

Respectfully submitted,



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